

Lisa Johnson & Associates
Attorneys and Advisors

December 18, 2021

Via email at Title_VI_Complaints@epa.gov

Merrick B. Garland, Attorney General of the United States
Michael S. Regan, Administrator of the U.S. Environmental Protection Agency
c/o U.S. EPA External Civil Rights Compliance Office (2310A)
1200 Pennsylvania Ave.
NW Washington, D.C. 20460

Re: Complaint of Discrimination U. S. Environmental Protection Agency's External Civil Rights Compliance Office ("ECRCO") (b)(6) Privacy, (b)(7)(C) Enf. Privacy, v. Commonwealth of Pennsylvania, Department of Environmental Protection, Appellees (see 1273 CD 2021 (Pa. Comm. Ct); (2021 EHB 013) (Environmental Hearing Board).

Dear Mr. Attorney General:

I represent **Ex. (6), 7(C)** and **Ex. (6), 7(C)**, (jointly and severally, ("**Landowners**")). The purpose of this letter is to file a complaint of civil rights violations ("**Complaint**") by the Commonwealth of Pennsylvania, Department of Environmental Protection, Governor Tom Wolf and Lt. Governor John Fetterman. Landowners requested an investigation into their water supply to the DEP on July 7, 2020, over one year ago, resulting in **Ex. (6), 7(C)** Ex. (6), 7(C) the environment. PADEP has stated that PADEP's investigation is ongoing over a year later.

We request that the EPA and DOJ read through the exhibits (A through F) to this letter to better understand the widespread constitutional violations by this administration, resulting in grave harms to landowners in general and the environment. Landowners include their Petition for Review and Docketing Statement filed in the Commonwealth Court of Pennsylvania (1273 CD 2021) Landowners have been before the Pennsylvania Hearing Board since May 15, 2021 and all such pleading, papers and filings as listed on the docket sheet are included here herein by reference. The EHB dismissed Landowners' appeal as the EHB was only presented with PADEP's failures, of which the EHB states it has no authority to review mere "failures" by PADEP. We will be filing separate complaints against the EHB and the Pennsylvania Department of Health.

My clients have met the following requirements to file an ECRCO civil rights complaint ("**Complaint**") against the Commonwealth of Pennsylvania, Department of Environmental Protection ("**PADEP**"), Governor Tom Wolf and Lt. Governor John Fetterman:

1. All contact related to the Complaint or otherwise shall be made through counsel using the contact information below;

2. The Pennsylvania Department of Environmental Protection is the entity that committed and continues to commit discrimination of Landowners' civil rights;

3. PADEP discriminated against ^{Ex. (6), 7(C)} and ^{Ex. (6), 7(C)} by denying, obstructing, delaying, intimidating and retaliating against my clients, and also discriminating against Landowners' due to their age, which is prohibited under Section 13 of the Federal Water Pollution Control Act Amendments of 1972 and Title VI of the Civil Rights Act of 1964. Among other things, Landowners **Ex. (6), 7(C)** was gravely affected by such discrimination (*specific examples are described more fully in Exhibits A through F enclosed with this letter*)¹; and

4. PADEP and this administration's civil rights violations are ongoing; therefore this complaint is made within 180 days of civil rights' violations.

Landowners are outspent and outstaffed by PADEP and oil and gas operators² and desperately need the oversight of the EPA. Governor Tom Wolf and Lt. Governor participated as PADEP worked in concert with oil and gas operators resulting in, among other things, the violations of my clients' civil rights and widespread, unabated pollution. Landowners will be requesting investigations into the Pennsylvania Environmental Hearing Board and the Pennsylvania Department of Health, each of which are complicit in the civil rights violations of Landowners and those yet to come.³

Please let us know if we need to send additional information or if you have any questions.

Sincerely,

/s/ Lisa Johnson
Lisa Johnson, Esq.
PA ID 200101
Counsel for ^{Ex. (6), 7(C)} *and* ^{Ex. (6), 7(C)}
Lisa Johnson and Associates
10675 Perry Highway #8
Wexford, PA 15090

cc: Pennsylvania Attorney General Joshua D. Shapiro, Esq.
(*via email and First-Class Mail*)

¹ The Department's inaction on the Appellants' water supply complaint undoubtedly does real harm to the Appellants. Should the Department need a reminder, its inaction here is not merely taking its time to review a permit application and possibly delaying a project, but it is a daily deprivation of usable water to ordinary citizens of the Commonwealth. *See* ^{(b)(6) Privacy} *v. Commonwealth, PA DEP, 2021 EHB 049, DKT 17*.

² Chesapeake Energy Corporation, Southwestern Energy and the Williams Companies.

³ *See* Article I, Section 27, Pennsylvania's Environmental Rights Amendment, which states: The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

EXHIBIT A



(NOTE: If you received written notification of the action, you must attach a copy of the action to this form.)

Appellants appeal the Department's actions, decisions and orders as described in this Notice of Appeal.

(b) Which Department officials took the action?

1. Michael O'Donnell
2. Briana Cunningham
3. Casey Baldwin
4. Carrie Knapp

(c) What is the location of the operation or activity which is the subject of the Department's action (municipality, county)?

North Branch Township, Wyoming County

(d) How, and on what date, did you receive notice of the Department's action?

See attached Exhibit A for a summary and dates of the Department's actions as well as the described actions and dates set forth in this Notice of Appeal.

3. Describe your objections to the Department's action in separate, numbered paragraphs.

(NOTE: The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Attach additional sheets, if necessary.)

See additional pages.

4. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.

Amended Notice of Appeal and related filings dated March 8, 2021 and filed by ^{Ex. (6), 7(C)} **Ex. (6), 7(C)** and ^{Ex. (6), 7(C)} **Ex. (6), 7(C)** v. the Department as Appellee and Cabot Oil and Gas Corporation as Intervenor at EHB Docket Number ^{Ex. (6), 7(C)} **Ex. (6), 7(C)** (**the Ex. (6), 7(C) Appeal**). Certain substantive issues with respect to the Department's actions set forth therein are materially similar to the Department's actions described in the instant appeal.



Chesapeake Appalachia, L.L.C.
Attn: Legal Department
6100 N. Western Ave., Oklahoma City,
Oklahoma 73118

and

Transcontinental Gas Pipe Line
Company, LLC, c/o Williams Companies,
Attn: Legal Department
1 Williams Ctr
Tulsa, OK 74172

Note to Attorneys who electronically file a Notice of Appeal: A copy is automatically served on the Department's Office of Chief Counsel. There is no need for you to independently serve the Department.

Additionally, if your appeal is from the Department of Environmental Protection's issuance of a permit, license, approval, or certification to another person, you must serve the following, as applicable:

- Any affected municipality, its municipal authority, and the proponent of the decision, where applicable, in appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7;
- The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. § 1406.1 et seq.;
- The well operator in appeals involving a claim of pollution or diminution of a water supply under Section 3218 of the Oil and Gas Act, 58 Pa.C.S. § 3218;
- The owner or operator of a storage tank in appeals involving a claim of an affected water supply under Section 1303 of the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.1303.

Via overnight mail

North Branch Township
Kenneth Levitzky, Solicitor
125 Church Hill Street
Dushore, PA 18614



SIGNATURE PAGE

By filing this Notice of Appeal with the Environmental Hearing Board, we hereby certify that the information submitted is true and correct to the best of our information and belief. Additionally, we certify that a copy of this Notice of Appeal was May 10, 2021.

Ex. (6), 7(C)

Signature of Appellant

Date: July 15, 2021

Ex. (6), 7(C)

Signature of Appellant

Date: July 15, 2021

If you have authorized counsel to represent you, please supply the following information (*Corporations must be represented by counsel*):

/s/ Lisa Johnson

Lisa Johnson, Counsel for Appellants

Attorney ID: 200101

Phoenix Law & Consulting Group

10675 Perry Highway #408

Wexford, PA 15090

412-913-8583

lisajohnson@phoenixlcg.com

July 15, 2021

TDD users please contact the Pennsylvania Relay Service at 1-800-654-5984. If you require an accommodation or this information in an alternative form, please contact the Secretary to the Board at 717-787-3483.

OBJECTIONS TO THE DEPARTMENT'S ACTIONS

This Notice of Appeal is governed by the Article 1 of the Constitution of the Commonwealth of Pennsylvania (“**Section 1**”); Environmental Rights Amendment of the Constitution of the Commonwealth of Pennsylvania, Pa. Const. Art. I, § 27 (“**Section 27**”); Pennsylvania’s Oil and Gas Act, 58 Pa.C.S.A. § 3218 (“**Oil and Gas Act**”), Pennsylvania’s Clean Streams Law, 35 P.S. §§ 691.1-1001 (“**Clean Streams Law**”); Pennsylvania’s Solid Waste Management Act (“**Solid Waste Management Act**”); related regulations found at 25 Pa. Code Chs.91-96, 102, and 287; all other related acts under the Pennsylvania Constitution and jurisdiction of the Board and all relevant case law (collectively, “**Applicable Laws**”).

OBJECTIONS

1. Appellants seek the Board’s *de novo* review of the Department’s actions under Applicable Laws, specifically including the following (a) not advising Appellants of the distance between nearby well bores operated by Southwestern and the absence of GPS coordinates in the Department’s correspondence, (b) not requiring that Southwestern to provide water to Appellants under the Oil and Gas Act; (c) decision not to advise Appellants that Southwestern is presumptively liable under the Oil and Gas Act, (d) not testing for chemicals used by oil and gas operations, including Southwestern and Williams. The following exhibits are attached and incorporated by reference: Exhibit A Summary and Timeline; Exhibit B Maps of Top Hole Distances; Exhibit C Water Tests; and Exhibit D Photos.

2. Appellants^{Ex. (6), 7(C)} and^{Ex. (6), 7(C)} are^{Ex. (6), 7(C)} ^{Ex. (6), 7(C)} North Branch Township, Wyoming County, PA 18629 (“**Property**”) ^{Ex. (6), 7(C)} ^{Ex. (6), 7(C)} have made significant improvements to the Property, ^{Ex. (6), 7(C)} , and^{Ex. (6), 7(C)} .

3. ^{Ex. (6), 7(C)} and ^{Ex. (6), 7(C)} are amid the same arbitrary, unlawful, and dangerous incompetence and malfeasance by the Department and its representatives acting under the color of state law as the appellants in the ^{Ex. (6), 7(C)} matter that resulted in the taking of, among other things, their home.

4. The timeline and summary attached as Exhibit A is not a story about the Department’s responses to Appellants’ concerns, it is a story of retirees desperately trying to save their home so that they could spend their last days on the Property together.

5. ^{Ex. (6), 7(C)} requested that the Department ^{Ex. (6), 7(C)} investigate this matter in July 2020, and pursuant to Section 5218 of the Oil and Gas Act, the Department had 45 days to issue a determination. As of today’s date, and using July 31, it has been 238 days since the request for an investigation, the Department has not issued a determination letter. Mr. Baldwin advised Appellants that the Department’s investigation would not be completed until July and that the Department “waits a year” before issuing determinations. The Department’s habit of delaying the issuance of a determination letter has the effect of delaying and denying the ability of residents to access the jurisdiction of this Board and potential relevant statute of limitations under Applicable Laws;

however, situations such as this are why there are tolling statutes. In addition, these delays allow oil and gas operations that are polluting residents' water to continue unabated.

6. The Department's decision to not alert and advise Appellants of the fact that the top holes of Leber 2H, spud on March 25, 2020 and Leber 3H, spud on March 26, 2020 and hydraulically fractured in July 2020 are 1161.6 feet from Appellants' spring is not only illegal, this deception and concealment shocks the conscience. Appellants would have no way of determining such information as the Department water tests omitted all GPS coordinates on their water tests unlike the Ex. (6), 7(C) appeal where certain GPS locations were listed. The Department knew this information every time Ex. (6), 7(C) Ex. (6), 7(C) called and pleaded for help and yet the Department proceeded to placate, belittle, dismiss and otherwise attempt to keep Ex. (6), 7(C) and Ex. (6), 7(C) from asserting their rights.

7. Under the Oil and Gas Act and with respect to unconventional wells, in the event there is a top hole located within 2500 feet of a water supply and the other requirements are met, an operator is presumptively liable – not informing landowners of the distances of a top hole, landing point or bottom hole is contrary to the intent of the Oil and Gas Act and Section 27. The statute states in part: “Unless rebutted by a defense established in subsection (d), it shall be presumed that a well operator is responsible for pollution of a water supply if, in the case of an unconventional well, the water supply is within 2,500 feet of the unconventional vertical well bore; and the pollution occurred within 12 months of the later of completion, drilling, stimulation or alteration of the unconventional well.” In the event that the foregoing applies, under § 3218(c)(i), “such operator is required to provide a temporary water source to the affected homeowners.” Appellants are well within these timeframes and have satisfied the conditions precedent. None of the defenses set forth in § 3218(d) would apply to an oil and gas operator. Reference is made to Exhibit B, which shows the distance of Leber 2H and Leber 3H being 1161.6 feet from Appellants' water supply.

8. Like the appellants in the Ex. (6), 7(C) appeal and others similarly situated, Appellants have no idea of what chemicals and toxins they may have ingested and been exposed to. Appellants have no ability to seek appropriate medical testing due to the fact, among other reasons, that the Department is acting unlawfully under Applicable Laws and under Section 27 by concealing such chemicals.

9. The Department's actions harmed and deprived, and continue to harm and deprive, Appellants' health, property and economic interests. The Department should engage in the below procedures and Appellants seek the Board's review of such procedures, in addition to any other matters in the Board's discretion:

- a. Removal of all Department personnel involved in this matter from all matters before the Department;
- b. Notify the Federal Environmental Regulatory Commission and PHMSA to investigate any pipeline safety issues that may be present due to the Department's incompetence and malfeasance;
- c. Requirement that the Department not circumvent Appellants' counsel;
- d. The Department commence an internal investigation into this matter;
- e. The Department makes a criminal referral of this matter to the Pennsylvania Attorney

General's office;

- f. The Department request oversight by the Environmental Protection Agency; and
- g. The Department cooperate with Appellants in order to create a civilian review board and a creation of an updated and comprehensive landowners' rights bill;
- h. The Department make a referral to DOH, which would include federal oversight by the Department of Health and Human Services, excluding the participation of Dr. Rachel Levine. Dr. Levine oversaw and was responsible for the acts of DOH at the time of these events, for a full health assessment of Appellants and all other residents in the areas of oil and gas operations; and
- i. The Department make a request that the ATSDR undertake a health assessment in North Branch Township and all other areas in Pennsylvania where oil and gas operations have been as well as where oil and gas operations continue to operate.

10. Appellants reserve the right to assert additional grounds for appeal and the right to amend their Notice of Appeal (1) after an opportunity for discovery, (2) following any action by the Department, (3) following any change in circumstances, or (4) as otherwise provided by the Board's rules.

11. Appellant Ex. (6), 7(C) had EX. (6), 7(C) , which compounded the delay in filing this Amended Appeal. Appellants and Appellants' counsel EX. (6), 7(C) Ex. (6), 7(C)

Ex. (6), 7(C) . On May 28, 2021, Appellants' counsel emailed SWN's counsel, Attorney George Bibikos, requesting that SWN EX. (6), 7(C) Appellants due to the fact that SWN's wellbores within 2,500 feet from Appellants' water supply. Attorney Bibikos advised that SWN would only supply water if the Department had issued an order or other requirement for such action. Appellants' counsel emailed Attorney Bibikos requesting that SWN provide water to Appellants voluntarily without being compelled by the Department. Attorney Bibikos did not respond to such email. Attorney Bibikos, in an email to Appellants dated July 7, 2021, emailed Appellants' counsel and stated that e. coli was present before SWN's operations, which presumably meant that "since they were already drinking polluted water, why tell them now." However, E. coli **was not** present in Appellants' ground or drinking water supplies prior to SWN's operations, and that is according to SWN's own pre-drill water testing as set forth on the last page of Exhibit C. Emails referenced in this paragraph 11 are attached hereto as Exhibit E.

12. SWN owns and operates an On-Lot Sewage Disposal System (Permit Z139957, applied for on 10/2/19 and issued by the Department on 11/11/19) on the WYO-8-Leber well site at ^{(b)(6) P/Priv} and near the Property and is the probable cause of the e. coli in Appellants' drinking water, which comes from a common water source.

13. On June 3, 2021 Appellants' counsel requested that the Department share the chemicals that were being used by SWN on the Leber 2H and 3H well pads. The Department knew at the time that Appellant ^{(b)(6) P/Priv; (b)(7)(C) Ent. Privac} was ingesting e. coli and FracFocus states that ethylene glycol is used at both sites. The Department responded by sending Appellant's counsel the letter attached hereto as Exhibit F and included the following:

- a. The Department advised that, pursuant to Subsections 10 and 11 of Section 3222.1 of the Oil and Gas Act that Appellants were required to request such information directly from the operator, in this case, SWN.

- b. In addition, the following include the requirements that Appellants would need to meet in order to know what chemicals that Appellant [REDACTED] had been exposed to prior to open heart surgery:

“(i) The information is needed for the purpose of diagnosis or treatment of an individual.

“(ii) The individual being diagnosed or treated may have been exposed to a hazardous chemical.

“(iii) Knowledge of information will assist in the diagnosis or treatment of an individual.

If a health professional determines that a medical emergency exists and the specific identity and amount of any chemicals claimed to be a trade secret or confidential proprietary information are necessary for emergency treatment, the vendor, service provider or operator shall immediately disclose the information to the health professional upon a verbal acknowledgment by the health professional that the information may not be used for purposes other than the health needs asserted and that the health professional shall maintain the information as confidential. The vendor, service provider or operator may request, and the health professional shall provide upon request, a written statement of need and a confidentiality agreement from the health professional as soon as circumstances permit, in conformance with regulations promulgated under this chapter.”

Appellants’ physicians would have been unable to comply with such measures prior to Appellant Ex. (6), 7(C)

prior to which he was drinking water full of e. coli, which is comprised of human and animal feces and other unknown bacterias that could cause, among other things, parasites and severe illness. The Department, SWN, and CHK were going to permit this until Ex. (6), 7(C) counsel.

- c. Appellant Ex. (6), 7(C) had requested that the DOH contact her to discuss the water test results. DOH communicated with Appellant Ex. (6), 7(C) but did not advise that the water was unsafe to drink or the danger that e. coli in the water posed. Similar to the Ex. (6), 7(C) Appellants, DOH has advised that the DOH will only follow up on complaints that are referred to them by the Department, e.g. if the Department does not find a site is polluted, they never alert DOH. When DOH is alerted, the DOH’s responses have compounded the adverse effects to Appellants.

In fact, an April 21, 2021 health study on living near fracking compared the heart attack rates between men on the Pennsylvania side of the border near fracking and the New York border, which has banned fracking.¹ The study revealed that men living near fracking in Pennsylvania had a 5.3% higher risk of a heart attack than their New York counterparts. *Id.*

- d. Appellants’ counsel asked the Department how many other landowners may be within the 2,500 foot presumptive liability standard but who may not have been notified. The

¹ Acute myocardial infarction associated with unconventional natural gas development: A natural experiment; <https://www.sciencedirect.com/science/article/abs/pii/S0013935121001663>

Department responded as follows:

“While you indicate a question “how many other landowners did not know an operator was within the presumptive distance and that they were entitled to be provided with clean water.” Your email indicates an intention to pursue that information through discovery. DEP will respond to your discovery in accordance with applicable rules when it is propounded.”

The Department’s willingness to spend taxpayer dollars on discovery while at the same time violating Appellants’ constitutional rights and posing a risk to human health and the environment in lieu of sharing information that the public has a right to know is breathtaking.

14. In an abrupt turn, on June 8, 2021 the Department sent Appellants a Determination Letter which is attached hereto as Exhibit G. The Department noted turbidity and bacteria as the only sources of the water pollution and the Department did not include e. coli in the Determination Letter. The Department’s most recent test results are set forth on the last page of Exhibit C, which reveals that the Department did not report e. coli levels four times, and only shared the last set of results after Appellants’ counsel became involved.

15. The Determination Letter enclosed a Notice of Presumptive Liability to SWN, which is attached hereto as Exhibit H, which included aluminum and iron as additional elevated levels. The Determination Letter does not set forth the investigation that the Department undertook at any level with respect to the surrounding operations of SWN, CHK and Williams. The Department has the obligation to investigate all of the oil and gas operations surrounding the Property, which would include CHK and Williams. The Department is aware of the well construction issues noted in that certain Attorney General 43rd Grand Jury Report attached hereto as Exhibit I that resulted in impermissible releases of at least methane, which permeated the groundwater.

16. In addition to the objections above pertaining to SWN, Appellant Ex. (6), 7(C) , as lessee, entered into that certain Oil and Gas Lease dated September 24, 2009 (the “**CHK Oil and Gas Lease**”) with Chesapeake Appalachia, L.L.C. as lessor (“**CHK**”) attached hereto as Exhibit J, which is attached in the manner in which CHK delivered the CHK Oil and Gas Lease to Appellants.

a. Attached hereto as Exhibit K is an email from CHK’s counsel, Ex. (6), 7(C) on dated May 27, 2020. The email contains a “map” of CHK’s Evelyn unit, in which a portion of the Property is included, and some completion reports in which Appellants’ property is included. The terms of the CHK Oil and Gas Lease provide that the entire Property is leased to CHK. Appellants’ counsel spoke with CHK’s counsel, Joe Tarantelli, on May 27, 2020. Ex. (6), 7(C) advised Appellants’ counsel that the “map” and “reports” he provided showing that CHK’s well bores are outside the 2,500 foot presumptive liability distance, and therefore, CHK should be omitted from Appellants’ Original Appeal. Attorney Tarantelli was unprofessional at best during this phone call and at one point stated that if Appellants did not take this map and “his word” for it, then Appellants were calling him a liar regarding CHK’s oil and gas operations that could have, and could still be, harming Appellants’ health and wellbeing and the Property.

b. Section 20(H) of the CHK Oil and Gas Lease states, in part:

“...in the event Appellants’ water was polluted or reduced, then CHK would take any and all steps to restore water quality and quantity to its pre-existing condition. During the period of remediation, CHK shall supply Appellants with an adequate supply of potable water consistent with Lessor’s use of the damaged water supply prior to Lessee’s operations. Any pollution or

reduction of any water supply will be presumed to be the result of CHK's operation unless CHK can affirmatively otherwise prove."

The Department may accept the word of CHK's counsel, the "map" and the fact CHK's top hole bores were more than 2,500 feet from Appellants' water supply as evidence that CHK's oil and gas operations did not pollute Appellants' supply, however, Appellants decline to do so.

Not only has CHK violated terms of the CHK Oil and Gas Lease, CHK took advantage of and continues to show malicious indifference to unsophisticated senior citizens whose entire Property is subject to the CHK Oil and Gas Lease. These actions alone have harmed Appellants, and together with SWN and WMS operations on the edge of the Property, they have absolutely compounded the harms done to Appellants through active concealment and bad faith. For the purposes of clarity, Appellants reserve all rights at law and in equity, including but not limited to private causes of action, with respect to the Oil and Gas Lease and nothing herein shall be deemed as a waiver or release of any kind.

Attached as Exhibit L Appellants' most recent water test results, however, there are several results still outstanding. Below are the chemicals detected or otherwise indicated on the water test results and Appellants are seeking confirmation of the surrogate chemicals and their implications.

Ex. (6), 7(C) - Additional Chemicals Detected and/or Indicated

1. E. coli;
2. 1,2 -Dichlorethane-d4 (surrogate for 1,2,3-Trichlorbenzene);
3. Toulene-d8 (surrogate for 1,2,3-Trichlorbenzene));
4. 4-Bromofluorobenzene (surrogate for 1,2,3-Trichlorbenzene);
5. 2-Fluorophenol (surrogate for Benzo[ghi]perylene);
6. Phenold-d6 (surrogate for Benzo[ghi]perylene);
7. Nitrobenzene (d-5) (surrogate for Benzo[ghi]perylene);
8. 2-Flurobiphenyl (surrogate for Benzo[ghi]perylene);
9. 2,4,6-Tribromophenol (surrogate for Benzo[ghi]perylene);
10. p-Terphenyl-d14 (surrogate for Benzo[ghi]perylene);
11. Triethylene Glycol;
12. Tetramethylene glycol;
13. Turbidity;
14. Alkalinity;
15. Specific Conductance; and
16. Total Dissolved Solids.

Ex. (6), 7(C) - Additional Chemicals Detected and Other Pollution

1. 1,2 -Dichlorethane-d4 (surrogate for 1,2,3-Trichlorbenzene);
2. Toulene-d8 (surrogate for 1,2,3-Trichlorbenzene);
3. 4-Bromofluorobenzene (surrogate for 1,2,3-Trichlorbenzene);
4. 2-Fluorophenol (surrogate for Benzo[ghi]perylene);
5. Phenold-d6 (surrogate for Benzo[ghi]perylene);
6. Nitrobenzene (d-5) (surrogate for Benzo[ghi]perylene);
7. 2-Flurobiphenyl (surrogate for Benzo[ghi]perylene);
8. 2,4,6-Tribromophenol (surrogate for Benzo[ghi]perylene); and

9. p-Terphenyl-d14 (surrogate for Benzo[ghi]perylene).

There are over 1,000 known fracking fluids, many of which are found in that certain ATSDR Dimock Site Assessment attached as Exhibit M. Certain of the chemicals indicated in the instant matter are subject to the Uncontrolled Substances Reporting and Registration Act, which is attached as Exhibit N, and DOH should produce its registry and the actions it has taken thereunder.

17. The Department's actions resulted and continued to in a constitutional taking of Appellants' personal and property interests as well as Appellants' rights to clean water and fresh air under the Environmental Rights Amendment, which states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

The actions taken by the Department in this matter have ripped holes in our rights to “due process” through the “rule of law” and is another example of people being rule of lawed to death before they can even access what constitutes our justice system.

Exhibits

- Exhibit A - Summary and Timeline
- Exhibit B - Well Location Maps
- Exhibit C - Water Tests
- Exhibit D - Photos of Property
- Exhibit E - ^{Ex. (6), 7(C)} Email re E. Coli 7_8_21
- Exhibit F - Department Letter Refusing to Identify Chemicals Dated 6_3_21
- Exhibit G - ^{Ex. (6), 7(C)} Determination Letter 6-8-21
- Exhibit H - Dept Letter to Southwestern re Presumption of Liability Dated 6_8_2021
- Exhibit I - Attorney General's 43rd Grand Jury Report on Fracking
- Exhibit J - ^{Ex. (6), 7(C)} -CHK Lease as Delivered by CHK
- Exhibit K - Email from CHK Counsel ^{Ex. (6), 7(C)}
- Exhibit L - ^{Ex. (6), 7(C)} Updated Drinking and Pond Results
- Exhibit M - ATSDR Dimock_Groundwater_Site_HC_05-24-2016_508
- Exhibit N - Uncontrolled Substances Reporting and Registration Act

EXHIBIT B